UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

PETER LEBLANC

v. **C.A. No. 05- 196 T**

A.T. WALL, et al.

MEMORANDUM AND ORDER

Jacob Hagopian, Senior United States Magistrate Judge

This matter is before the court on the application of the *pro se* plaintiff for leave to proceed *in forma pauperis* without prepayment of fees pursuant to 28 U.S.C. § 1915. Said application is **GRANTED**.

However, pursuant to 28 U.S.C. § 1915(b)(1), a prisoner who is granted leave to proceed without prepayment of fees must pay, as an initial partial filing fee, 20 percent of the greater of (A) the average monthly deposits to the prisoner's account; or (B) the average monthly balance in his account for the six month period immediately preceding the filing of the complaint. After paying the initial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month's income credited to his account. 28 U.S.C. § 1915(b)(2). The agency having custody of the prisoner shall forward such subsequent payments from the prisoner's account to the clerk of the court each time the amount exceeds $10.00 until the filing fee is paid in full. Id.

Accordingly, after a review of the plaintiff's prison trust account statement, and his affidavit filed in support of his motion to proceed *in forma pauperis*, the plaintiff shall be assessed an initial partial filing fee payment of $5.00. The Adult Correctional Institutions is hereby ordered to forward the initial payment on plaintiff's behalf. Provided the plaintiff's prison trust account balance equals or exceeds the initial fees assessed, the initial fee shall be forwarded to the clerk of this court within

twenty days of this order. If the plaintiff lacks sufficient funds to pay the fee, the initial payment shall be forwarded by the Adult Correctional Institutions as soon as the balance in plaintiff's prison trust account equals or exceeds $5.00. Furthermore, the Adult Correctional Institutions shall forward to the clerk of this court subsequent monthly payments of 20 percent of the plaintiff's preceding month's income each time the plaintiff's account balance exceeds $10.00. Such fees shall be forwarded until the **$250.00** filing fee is paid in full.

IT IS SO ORDERED.

Jacob Hagopian
Senior United States Magistrate Judge
Date: 7 June 2005